

Environmental Protection Agency

§ 52.323

II.A.22.a. and underlined text); II.A.23., *Major Source Baseline Date*; II.A.24., *Major Stationary Source* (excluding II.A.24.d. and underlined text); II.A.25., *Minor Source Baseline Date*; II.A.26., *Net Emissions Increase* (excluding underlined text); II.A.27., *Nonattainment Major New Source Review (NSR) Program*; II.A.28., *PAL Effective Date*; II.A.29., *PAL Effective Period*; II.A.30., *PAL Major Modification*; II.A.31., *PAL Permit*; II.A.32., *PAL Pollutant*; II.A.33., *Plantwide Applicability Limitation (PAL)*; II.A.34., *Prevention of Significant Deterioration (PSD) Permit*; II.A.35., *Project*; II.A.36., *Projected Actual Emissions*; II.A.37., *Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit*; II.A.38., *Regulated NSR Pollutant* (excluding II.A.38.c.); II.A.39., *Replacement Unit*; II.A.40., *Repowering* (excluding underlined text); II.A.41., *Secondary Emissions*; II.A.42., *Significant* (excluding II.A.42.a.) ; II.A.43., *Significant Emis-*

sions Increase; II.A.44., *Significant Emissions Unit*; II.A.45., *Small Emissions Unit*; II.A.46., *Temporary Clean Coal Technology Demonstration Project*; XV., *Actual PALs*.

(ii) Additional material.

(A) Notice of Final Adoption, dated 12/15/2005, signed by Douglas A. Lempke, Administrator, for revisions made to Regulation Number 3, *Air Pollution Emission Notice and Permitting Requirements*.

[37 FR 10855, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 75 FR 25775, May 10, 2010, § 52.320 was amended by revising paragraph (c)(114), effective July 9, 2010; however the amendment could not be incorporated because that paragraph does not exist.

§ 52.321 Classification of regions.

The revised Denver Emergency Episode Plan, adopted by the State of Colorado February 28, 1996, was submitted by the Governor of Colorado with a September 16, 1997 letter.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Pawnee Intrastate	I	III	III	III	III
Metropolitan Denver Intrastate	I	III	III	I	I
Comanche Intrastate	III	III	III	III	III
San Isabel Intrastate	I	III	III	III	III
San Luis Intrastate	III	III	III	III	III
Four Corners Interstate	IA	IA	III	III	III
Grand Mesa Intrastate	III	III	III	III	III
Yampa Intrastate	III	III	III	III	III

[37 FR 10855, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 44 FR 57409, Oct. 5, 1979; 74 FR 47891, Sept. 18, 2009]

§ 52.322 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Denver, Colorado, PM-10 nonattainment area.

[60 FR 52315, Oct. 6, 1995]

§ 52.323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Colorado's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

(b)(1) Insofar as the Prevention of Significant Deterioration (PSD) provisions found in this subpart apply to stationary sources of greenhouse gas (GHGs) emissions, the Administrator approves that application only to the extent that GHGs are “subject to regulation”, as provided in this paragraph (b), and the Administrator takes no action on that application to the extent that GHGs are not “subject to regulation.”

(2) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO₂e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO₂e or more; and

(3) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(2) of this section, the pollutant GHGs shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO₂e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO₂e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO₂e or more.

(4) For purposes of this paragraph (b)—

(i) the term greenhouse gas shall mean the air pollutant defined in 40 CFR 86.1818–12(a) as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(ii) the term tpy CO₂ equivalent emissions (CO₂e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(A) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table

A–1 to subpart A of 40 CFR part 98—Global Warming Potentials.

(B) Sum the resultant value from paragraph (b)(4)(ii)(A) of this section for each gas to compute a tpy CO₂e.

(iii) the term emissions increase shall mean that both a significant emissions increase (as calculated using the procedures in paragraphs I.A.2. through I.A.3, and I.B of Part D of Colorado’s Air Quality Commission’s Regulation Number 3) and a significant net emissions increase (as defined in paragraphs II.A.26 and II.A.42.a of Part D of Colorado’s Air Quality Commission’s Regulation Number 3) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO₂e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and “significant” is defined as 75,000 tpy CO₂e instead of applying the value in paragraph II.A.42.b of Part D of Colorado’s Air Quality Commission’s Regulation Number 3.

[75 FR 82553, Dec. 30, 2010]

§ 52.324 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since the State lacks the authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources.

(b) Delegation of authority: Pursuant to section 114 of the Act, Colorado requested a delegation of authority to enable it to require sources to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions. The Administrator has determined that Colorado is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates to Colorado his authority under section 114(a)(1)(B) and (C) of the Act, i.e., authority to require sources within the State of Colorado to install and maintain monitoring equipment and to report periodically on the nature and amount of their emissions.

[37 FR 10855, May 31, 1972, as amended at 46 FR 24182, Apr. 30, 1981; 51 FR 40676, Nov. 7, 1986; 62 FR 2914, Jan. 21, 1997]